

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KABANA, INC., ) CASE NO. MS-S-06-00043-GWF-GWF  
)  
Plaintiff, )  
)  
vs. ) **WRIT OF EXECUTION**  
)  
)  
BEST OPAL, INC., )  
)  
Defendant. )

THE PEOPLE OF THE STATE OF NEVADA:

TO THE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA:

Greetings:

On May 8, 2006, a judgment was entered by the United States District Court for the District of New Mexico in case No. CV 05-1101-WJ-LCS in favor of KABANA, INC., as judgment creditor and against BEST OPAL, INC., as judgment debtor. [hereinafter "JUDGMENT"] Pursuant to 28 U.S.C. § 1963, a Certification of Judgment for Registration in Another District was filed on May 18, 2006, and entered in the docket on May 24, 2006 of the above-entitled court and action in favor of Plaintiff KABANA, INC. as Judgment Creditor and against BEST OPAL, INC. as Judgment Debtor for:

\$ 600,000.00 principal,

\$ 23,375.99 attorney's fees and costs, making a total amount of

\$ 623,375.99 the JUDGMENT AS ENTERED, and

WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

\$3,791.12 accrued interest, and

1           \$ 47.28           accrued costs, together with \$500.00 fee deposit for the U.S. Marshal's  
2 Service to execute upon the issuance of this writ , making a total of

3           \$4,338.40       as ACCRUED COSTS, ACCRUED INTEREST AND FEES.

4 CREDIT must be given for payments and partial satisfactions in the amount of

5           \$ - 0 - which is to be first credited against the total accrued costs and accrued interest,  
6 with any excess credited against the judgment as entered, leaving a net balance of

7           \$ \_\_\_\_\_ ACTUALLY DUE on the date of the issuance of this Writ, of which

8           \$623,375.99 is due on the Judgment as entered, and bears interest at 9.25 percent per  
9 annum, in the amount of \$157.96 per day, from the date of entry of the Judgment to the date of  
10 issuance on this Writ, to which must be added the accrued costs and fees and the commissions  
11 and costs of the officer executing this Writ.

12           Notice by mail of any sale under the writ of execution has not been requested.

13           NOW, THEREFORE, UNITED STATES MARSHAL FOR THE DISTRICT OF  
14 NEVADA, you are hereby commanded to satisfy this JUDGMENT with interest and costs as  
15 provided by law, and your costs and disbursements, out of the personal property of the Judgment  
16 Debtor, except that for any workweek, 75 percent of the disposable earnings of the debtor during  
17 that week or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair  
18 Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are  
19 payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if  
20 sufficient personal property cannot be found, then out of the real property belonging to the debtor  
21 in the aforesaid county, and make return to this writ within not less than 10 days or more than 60  
22 days endorsed thereon with what you have done.

23           YOU ARE FURTHER COMMANDED to take, seize, or execute against property  
24 belonging to the Judgment Debtor located at the Sands Expo and Convention Center, Level 2,

1 Booth 25115, 201 E. Sands Avenue, Las Vegas, Nevada 89109 from Saturday June 3, 2006 at  
2 10:00 a.m. through Wednesday June 7, 2006 at 4:00 p.m. or any property belonging to the  
3 Judgment Debtor in the possession of BEST OPAL's Chairman Robert Hertz or any principal,  
4 officer, or authorized representative of BEST OPAL present at the Sands Expo and Convention  
5 Center, Level 2, Booth 25115, 201 E. Sands Avenue, Las Vegas, Nevada 89109 from Saturday  
6 June 3, 2006 at 10:00 a.m. through Wednesday June 7, 2006 at 4:00 p.m. Between these dates,  
7 Judgment Debtor BEST OPAL, INC. shall be in possession of legal tender, receipts, jewelry,  
8 precious stones and/or gems, semi-precious stones and/or gems, jewelry parts, pieces, elements,  
9 components and/or component parts, including, but not limited to settings, partial settings, empty  
10 settings, set stones, unset stones, molds, models, casts, rubbers, rings, earrings, toe rings, ear  
11 clips, earmuffs, necklaces, chokers, pendants, precious metals, semi-precious metals, jewelry  
12 settings, necklaces, rings, cuffs, fashion jewelry, molds, watches, watchbands, clips, slides,  
13 bracelets, bangles, beads, cut and/or uncut stones, precious and semi-precious metals and/or  
14 stones and/or gems. Additionally, BEST OPAL, INC. shall be in possession of secure cases and  
15 containers, display cases used to display its jewelry inventory, and any keys, combinations to  
16 access said secure containers.

17 IT IS HEREBY FURTHER COMMANDED that the United States Marshal Service will  
18 not maintain custody or control of the property seized. It is hereby further commanded that the  
19 U.S. Marshal is authorized to use reasonable force to open doors, drawers, closets, safes, and  
20 locks on the above-identified premises in order to seize said property and that the Judgment

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1 Creditor will hold the U.S. Marshal harmless of any liability that may be imposed upon  
2 execution of the Judgment.

3 DATED: This ..... day of ....., 2006.

4 \_\_\_\_\_, Clerk.

5 \_\_\_\_\_, Deputy Clerk.  
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